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February 13, 2017

By: Dahm of the Senate

and

Jordan of the House

An Act relating to cities and towns; amending 11 O.S. 2011, Section 51-104, as last amended by Section 7, Chapter 15, O.S.L. 2013 (11 O.S. Supp. 2016, Section 51-104), which relates to the Public Employees Relations Board; re-creating the Public Employees Relations Board; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 11 O.S. 2011, Section 51-104, as last amended by Section 7, Chapter 15, O.S.L. 2013 (11 O.S. Supp. 2016, Section 51-104), is amended to read as follows:

Section 51-104. A. There is hereby re-created, to continue until July 1, ~~2016~~ 2020, in accordance with the provisions of the Oklahoma Sunset Law, the Public Employees Relations Board, which shall be composed of five (5) members to be appointed or selected as follows:

1. One appointed by the Governor shall be an impartial
appointment and designated as Chairman;

2. Two appointed by the President Pro Tempore of the State Senate, one of whom shall be an impartial appointment and one of

1 | whom shall be a representative from the labor industry chosen from a
2 | list of four nominees to be submitted jointly by an Oklahoma
3 | organization the primary purpose of which is to provide services to
4 | members who are municipal police officers, which shall provide two
5 | nominees, and by an Oklahoma organization the primary purpose of
6 | which is to provide services to members who are municipal
7 | firefighters, which shall provide two nominees; and

8 | 3. Two appointed by the Speaker of the Oklahoma House of
9 | Representatives, one of whom shall be an impartial appointment and
10 | one of whom shall be a representative of a municipality to be
11 | selected from a list of four nominees submitted by a statewide
12 | organization the membership of which consists primarily of
13 | incorporated cities and towns within Oklahoma.

14 | B. The Chairman shall be appointed for a term of five (5)
15 | years, commencing from July 1, 1972. The other members shall be
16 | appointed for terms of one (1) and three (3) years, respectively,
17 | from July 1, 1972, but their successors shall be appointed for terms
18 | of three (3) years. No member shall serve on the Board for more
19 | than two terms. No impartial member appointed by either the
20 | President Pro Tempore of the Oklahoma State Senate or by the Speaker
21 | of the Oklahoma House of Representatives shall, within two (2) years
22 | of being appointed to the Board or while serving on the Board, have
23 | served or worked in a capacity as an advocate, be a member or
24 | receive compensation from a labor union group association or its

1 subordinate affiliates or have served or worked in a capacity as an
2 advocate, appointed or elected official of or received compensation
3 from a municipality or municipalities.

4 C. Three members of the Board shall constitute a quorum. Any
5 individual chosen to fill a vacancy on the Board shall be appointed
6 only for the unexpired term. The Chairman and members of the Board
7 shall not receive a salary but shall receive compensation in lieu of
8 expenses in the amount of Fifty Dollars (\$50.00) per day for any
9 meeting or the conduct of official duties, whether acting singly or
10 collectively.

11 D. To accomplish the objectives and to perform the duties
12 prescribed by this article, the Board may subpoena witnesses, issue
13 subpoenas to require the production of books, papers, records, and
14 documents which may be needed as evidence of any matter under
15 inquiry, and administer oaths and affirmations. In cases of neglect
16 or refusal to obey a subpoena issued to any person, the district
17 court of the county in which the investigations or the public
18 hearings are taking place, upon application by the Board, may issue
19 an order requiring such person to appear before the Board and
20 produce evidence about the matter under investigation. A failure to
21 obey such order may be punished by the court as a contempt.

22 E. Any subpoena, notice of hearing, or other process or notice
23 of the Board issued under the provisions of this article may be
24 served personally, by registered mail, or by leaving a copy at the

1 principal office of the person required to be served. A return made
2 and verified by the individual making such service and setting forth
3 the manner of such service is proof of service, and a returned post
4 office receipt, when registered or certified mail is used, is proof
5 of service.

6 F. The Board shall adopt, promulgate, amend, or rescind such
7 rules as it deems necessary to carry out the provisions of this
8 article. Public hearings shall be held by the Board on any proposed
9 rule of general applicability designed to implement, interpret, or
10 prescribe policy, procedure or practice requirements under the
11 provisions of this article and on any proposed change to such
12 existing rule. Reasonable notice shall be given prior to such
13 hearings, which shall include the time, place, and nature of such
14 hearing and the terms or substance of the proposed rule or the
15 changes to such rule.

16 SECTION 2. It being immediately necessary for the preservation
17 of the public peace, health or safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

20 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
21 February 13, 2017 - DO PASS
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